

January 18, 1994 LB 379, 407

on LB 407. All those in favor vote aye, all opposed vote nay. Record.

CLERK: 28 ayes, 1 nay, Mr. President, on the advancement of LB 407.

SPEAKER WITHEM: LB 407 is advanced. The next item.

CLERK: LB 379, introduced by Senators Abboud and Bromm. (Read title.) The bill was introduced on January 14. It was referred to the Judiciary Committee for public hearing, advanced to General File. There are committee amendments pending by the Judiciary Committee.

SPEAKER WITHEM: Judiciary Committee. Senator Lindsay.

SENATOR LINDSAY: Thank you, Mr. Speaker. The committee amendments to this bill, this bill deals with the use of financial instrument or the offense of theft by unauthorized use of a financial transaction device. We're basically looking for a use of credit cards, debit cards, instant cash cards, those types of things. What the...what the bill does is to provide venue, clarify where the venue for prosecution is. It also allows for aggregation of the offenses. If you use an instant cash card, you get 50 bucks out of one machine and you do it in four or five, it's all part of the same scheme. You steal a card, you're using it and using it in two or three counties and getting 50 bucks each time. What this would allow is to aggregate those offenses so that it moves into a different level of crime and clarifies where that prosecution takes place. The committee amendments clarify that further on the aggregation portion of this bill. What it allows for or what it prohibits is the prosecutor from playing around with that series of offenses to come up with two or three different charges at higher levels, the idea being that if it's one continuing scheme, all of those ought to be charged as one offense. If it's not one continuing scheme, those offenses should be charged each individually. And what this portion of the bill would do is prohibit the county attorney from picking and choosing to get several offenses of high level of offense so that if there is a...if the county attorney is going to aggregate, it's an all or nothing sort of thing. You either aggregate all the offenses or you charge each one separately and that's what the committee amendment would do. I would urge the adoption of the committee amendments.